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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,161	08/28/2004	Johan Hederstierna	7589.188.PCUS00	5160

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,161	Applicant(s) HEDERSTIERNA, JOHAN	
	Examiner Melody M. Burch	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DT-2312864 (DT'864) in view of US Patent 5271678 to Bourgeot.

Re: claims 1, 11, 12, and 13. DT'864 shows in figure 3 a bearing arrangement for mounting the spring suspension for a leaf-spring-supported bogie on a vehicle, the arrangement comprising: a bracket 12, a leaf spring support 9 and two bearing elements (left and right elements 10).

DT'864 lacks the limitation of the each of the bearing elements comprising a plurality of conical coaxial tubular supporting elements and at least one conical tubular liner.

Bourgeot teaches in the figure on the front of the patent the use of a bearing arrangement wherein a bearing element 5 comprises a plurality of conical coaxial tubular supporting elements 6 and at least one conical tubular liner 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the bearing elements of DT'864 to have included a plurality of conical coaxial tubular supporting elements and at least one conical tubular liner, as taught by Bourgeot, in order to provide a means of more effectively resiliently supporting loads. With regards to claim 13 the clamping device is element 17.

Re: claim 2. DT'864, as modified, teach in figure 3 of DT'864 the bearing elements being restrained between the leaf spring support 9 and the bracket 12 with a pretensioning thereby induced in the bearing elements in an axial direction thereof via element 17.

Re: claims 3 and 4. DT'864, as modified, teach in the figure on the front of the patent of Bourgeot the limitation wherein the supporting elements 6 vary in length in the axial direction so that an innermost supporting element shown in the area of 7a is longer than an outermost supporting element shown in the area of 7g.

Re: claims 7-10. DT'864, as modified, describes the invention substantially as set forth above, but does not include the specific material limitations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the supporting elements and liners to have been made of metal or composite material and rubber or plastic, respectively, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Response to Arguments

4. Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

Applicant argues that the bearing arrangement of DT'864 is not for mounting the spring suspension for a leaf spring supported bogie on a vehicle but instead the referenced arrangement is for fixing the end-eye of a conventional leaf spring upon a vehicle frame. Examiner reiterates and maintains that both DT'864, as modified, and the instant invention include a bearing support comprising an arrangement comprising a bracket for fixed attachment to a vehicle, a leaf spring support and two bearing elements with tubular support elements and at least one tubular liner. Accordingly, DT'864, as modified, is *capable* of being incorporated for a bogie type vehicle to the same extent as Applicant's invention is capable of use in bogie type vehicles due to their similar structures. Examiner emphasizes that the bearing support being "for a bogie-type vehicle" is *functionally* and not positively recited in the claims.

In response to the argument that there is no suggestion or teaching for

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combining a bearing arrangement for an end-eye support (DT'864) with an articulation design necessary in the type of integrated railway train known as an articulated train (Bourgeot), Examiner notes that since both DT'864 and Bourgeot include inventions directed to bearing arrangements, it would have been obvious to one of ordinary skill in the bearing art to have looked to the teachings of another bearing arrangement in order to achieve a desired level of support. Accordingly, the above rejections have been maintained.

Examiner also requests a clear copy of the reference from which the photograph included in the Field of Invention section of the remarks filed 5/31/05 was taken since Applicant admits that the bundled leaf springs are secured near their mid section by "an assembly analogous to Applicant's claimed arrangement".

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

September 16, 2006

Melody M. Burch
Melody M. Burch
Primary Examiner
Art Unit 3683
9/16/06